ORIGINAL

FILED
07 NOV 13 PM 12:21
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: [signature] DEPUTY

BY FAX

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Attorneys for
Petitioner CHASE HOME FINANCE LLC

ADORNO YOSS ALVARADO & SMITH
ATTORNEYS AT LAW
SANTA ANA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FRANKI BOLORIN and ROSA RAMOS, Plaintiffs, v. REINER, REINER & BENDETT, P.C., Defendant.	'07 CV 2169 JAH (WMC) **CASE NO.:** **CIVIL ACTION NO. 3:06CV1295 (AVC)** **District of Connecticut** **PETITION OF CHASE HOME FINANCE LLC TO QUASH DEPOSITION SUBPOENA DUCES TECUM**
CHASE HOME FINANCE, LLC, a Delaware limited liability company Petitioner, v. FRANKI BOLORIN and ROSA RAMOS, Respondents.	

Petitioner Chase Home Finance LLC ("Chase") petitions the Court to quash the Deposition Subpoena Duces Tecum ("Subpoena") as follows:

1. In accordance with Rule 45(c) of the Federal Rules of Civil Procedure ("FRCP"), Chase, a nonparty within the meaning of Rule 45, petitions to quash, in its entirety, the Subpoena served on it in the Southern District of California by plaintiffs Franki Bolorin and Rosa Ramos

(collectively, "Plaintiffs") in the above-entitled action and dated April 30, 2007. A true and correct copy of the Subpoena is attached hereto as Exhibit "A."

2. The underlying lawsuit between Plaintiffs and defendant Reiner, Reiner & Bendett, P.C. ("Reiner Firm") is filed with the United States District Court, District of Connecticut, Case No. 3:06CV1295 (AVC). Plaintiffs issued the Subpoena in the Southern District of California.

3. Plaintiffs' subpoena to Chase should be quashed for the following reasons:

a. It purports to require a nonparty to produce documents at a place more than 100 miles from the place where it regularly transacts business within the meaning of FRCP Rule 45(c)(3)(A)(ii), because the place of production is 123 Avon Street, New Haven, Connecticut. See Exhibit "A."

b. It expressly purports to require disclosure of communications between Chase and its Connecticut foreclosure counsel (the named defendant, the Reiner Firm) relating to, among other things, foreclosure litigation against the Plaintiffs and, which are, therefore, protected under the attorney-client privilege and/or the attorney work product doctrine, and thus "protected matters" within the meaning of Rule 45(c)(3)(A)(iii).

c. The very documents Plaintiffs demand in their subpoena are the subject of Plaintiffs' discovery demands to the Reiner Firm in the pending action in the District of Connecticut. A true and correct copy of the responses of the Reiner Firm to the discovery demands of Plaintiffs is attached hereto as Exhibit "B."

4. The identical privilege and work-product claims asserted by Chase already have been asserted by the Reiner Firm in the Connecticut action and currently are under advisement by U.S. Magistrate Judge Donna F. Martinez.

///

///

ADORNO YOSS ALVARADO & SMITH
ATTORNEYS AT LAW
SANTA ANA

5. In light of the foregoing, Chase respectfully requests the Court to quash the Subpoena.

DATED: November 9, 2007

ADORNO YOSS ALVARADO & SMITH
A Professional Corporation

By: ______________________
S. CHRISTOPHER YOO
Attorneys for Petitioner
CHASE HOME FINANCE LLC

ADORNO YOSS ALVARADO & SMITH
ATTORNEYS AT LAW
SANTA ANA

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Exhibit "A"

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FRANKI BOLORIN
ROSA RAMOS
V.
REINER, REINER & BENDETT, P.C.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: [1] 3:06CV1295 (AVC)
District of Connecticut

TO:

KEEPER OF THE RECORDS, CHASE HOME FINANCE LLC, 10790
Rancho Bernardo Rd, San Diego CA 92127

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Retainer agreement with Reiner, Reiner & Bendett; all direct or indirect communications between your offices and Reiner, Reiner & Bendett regarding the Bolorin/Ramos account your 19155605; all attorney's fee payments to Reiner, Reiner & Bendett regarding the account.

PLACE	DATE AND TIME
Law Office Joanne S. Faulkner, 123 Avon St New Haven CT 06511 ~~or email to J.Faulkner@snet.net~~	May 15, 2007 2:00 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Joanne S. Faulkner (signature) Attorney for Plaintiff	April 30, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Joanne S. Faulkner, 123 Avon Street, New Haven CT 06511, (203) 772-0395 j.faulkner@snet.net

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

[1] If action is pending in district other than district of issuance, state district under case number.

EXHIBIT A
PAGE 1 of 5

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

	DATE	PLACE
SERVED		

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on ______________________
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A
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Exhibit "B"

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FRANKI BOLORIN ROSA RAMOS Plaintiffs, v. DAVID F. BORRINO and REINER, REINER, & BENDETT, P.C. Defendants	Civil No. 3:06cv1295(AWT) December 21, 2006

DEFENDANT REINER, REINER & BENDETT PC'S RESPONSE TO FIRST REQUEST FOR PRODUCTION

The plaintiffs request EACH defendant to produce the following documents at the the office of plaintiff's attorney within 30 days thereof. Please see the first set of interrogatories for instructions and definitions. If there are no such documents, please so state. If there are such documents, please list appended documents response to each request. "Documents" includes electronic records and transmissions, and writings and recordings as defined in Fed. R. Evid. 1001.

1. All records of your 2005-06 communications with Chase regarding collection of plaintiffs' alleged account, including your retainer agreement and invoices.

   ANSWER: **Objection. This Request asks for documents which would violate attorney-client privilege. A privilege log will follow.**

2. All records of your 2005-2006 communications with Deutsche Bank regarding collection of plaintiff's alleged account, including your retainer agreement and invoices.

   ANSWER: **None.**

3. All documents you received from Chase regarding plaintiffs' alleged account.

   ANSWER: **To the extent not privileged, attached. Privilege log to follow.**

EXHIBIT B
PAGE 3 of 5

4. All documents you received from Deutsche Bank regarding plaintiff's alleged account.

ANSWER: None.

5. All documents concerning the Plaintiff's alleged Deutsche account and defendants' efforts to investigate and collect thereon, including internal collection records, "contact history," media, skip tracing records, debt master printout, audit records, checks, authorizations, pleadings, court documents, notes and correspondence.

ANSWER:To the extent not privileged, attached. Privilege log to follow. To the extent not privileged, attached. Privilege log to follow. As to pleadings and court documents, objection as they are within the Plaintiff's attorney's possession.

6. Copies of all policy or training manuals, checklists, instructions or guidelines used by defendant or provided by defendant to its employees regarding collection practices of procedures applicable to foreclosure matters during 2005-2006.

ANSWER: There were no written manuals, instructions, or guidelines. Checklist attached.

7. Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered herein or to indemnify or reimburse for payments made to satisfy the judgment.

ANSWER: None.

8. The name and docket number of all foreclosure matters against natural persons which defendants withdrew upon learning that the mortgage at issue was paid to date.

ANSWER: **Objection.**

1. **The occurrences in the other cases are irrelevant to this case and therefore this Request is not reasonably calculated to lead to the discovery of relevant evidence.**

EXHIBIT B
PAGE 4 of 5

2. **The Request is vague, ambiguous, and otherwise obscure as it is unclear if it refers to cases in which there was a reinstatement, cases in which there was a payoff or cases which were referred to the Defendant by clients in error, if any.**

3. **The Request calls for private information protected by various federal and state laws including but not limited to the Fair Credit Reporting Act, Gramm-Leach Bliley Act, and FTC regulations.**

THE PLAINTIFFS

BY __/s/Joanne S. Faulkner___
JOANNE S. FAULKNER ct04137
123 Avon Street
New Haven, CT 06511-2422
(203) 772 0395
j.faulkner@snet.net

THE DEFENDANT
REINER, REINER & BENDETT, PC

By ______________________________
Charles F. Basil
Reiner, Reiner & Bendett, P.C.
160 Farmington Avenue
Farmington, CT 06032
Tel: 860-677-2868
Fax: 860-677-4549
cbasil@reiner.com
Federal Bar No. ct00463

EXHIBIT B
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JS 44 (Rev. 11/04)

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CIVIL COVER SHEET

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Chase Home Finance LLC

DEFENDANTS
Franki Bolorin and Rosa Ramos

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

(b) County of Residence of First Listed Plaintiff Delaware
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Connecticut
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Adorno Yoss Alvarado & Smith 714.852.6800
1 MacArthur Place, Suite 200, Santa Ana, California 92707

Attorneys (If Known)
Law Offices of Joanne Faulkner 203.772.0395
123 Avon Street, New Haven, CT 06511

'07 CV 2169 JAH (WMC)

BY FAX

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
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- Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
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- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 USC § 1692
Brief description of cause:
Petition to Quash Subpoena

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 11/09/2007 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 144413 AMOUNT $350 11/13/07 BH APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

144413 - BH

November 13, 2007
12:19:00

Civ Fil Non-Pris
USAO #.: 07CV2169 CIVIL FILING
Judge..: JOHN A HOUSTON
Amount.: $350.00 CK
Check#.: BC# 64503

Total-> $350.00

FROM: CHASE HOME FIN. V. BOLORIN
CIVIL FILING